

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA :
: ;
v. :
: ;
OMAR HEREDIA-SIERRA, :
Defendant. :
-----x

USDC SDNY
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ORDER

21 CR 517 (VB) 12/27/23
Copies (Plaintiff) Taxed Chambers of Vincent L. Briccetti
Chambers of Vincent L. Briccetti DH

By motion dated November 24, 2023, defendant Heredia-Sierra seeks a reduction of sentence pursuant to Amendment 821 to the United States Sentencing Guidelines. (Doc. #34). The motion is DENIED because defendant is not eligible for a sentencing reduction under Amendment 821.

In Amendment 821, the United States Sentencing Commission amended the Guidelines in two respects. Part A amends Section 4A1.1 by reducing from two (2) to one (1) the number of criminal history points added for offenders who committed the instant offense while under a criminal justice sentence, and by limiting this provision to defendants who received seven (7) or more criminal history points. Part B creates a new Section 4C1.1, which provides for a two-level decrease in offense level for defendants with zero (0) criminal history points who meet specified eligibility criteria.

Defendant does not qualify under Part A of Amendment 821 because he did not commit the instant offense while under a criminal justice sentence. Defendant does not qualify under Part B because he did not have zero criminal history points; indeed, he had 3.

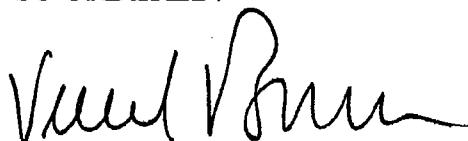
Accordingly, defendant is not eligible for a reduction of sentence pursuant to Amendment 821.

Chambers will mail a copy of this Order to defendant at the following address:

Omar Heredia-Sierra, Reg. No. 54634-054
FCI Fort Dix
Federal Correctional Institution
P.O. Box 2000
Joint Base MDL, NJ 08640

Dated: December 27, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge